

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

ALEXANDER HODGE,  Plaintiff,  vs.  BRENT FLUKE, REBECCA SCHIEFFER, KRIS VENODSEL, LT. LUCERO, MR. LOEWE, TE ARCHAMBEAU, TIFFANY VOIGT, TAMMY DEJONG, UNKNOWN DEPARTMENT OF CORRECTIONS EMPLOYEES,  Defendants.	4:19-CV-04189-LLP  ORDER GRANTING DEFENDANTS' MOTION TO STAY
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Plaintiff, Alexander Hodge, filed a pro se civil rights lawsuit under 42 U.S.C. § 1983.

Doc. 1. Defendants move to stay discovery until this Court resolves the forthcoming motion for summary judgment based on qualified immunity. Doc. 15. Defendants also seek an extension of 45 days from the entry of this Order to file their motion for summary judgment. Id.

“Qualified immunity is an immunity from suit, not simply from liability” and protects officials from pretrial discovery. *Janis v. Biesheuvel*, 428 F.3d 795, 800 (8th Cir. 2005) (citing *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985)). “Unless the plaintiff’s allegations state a claim of violation of clearly established law, a defendant pleading qualified immunity is entitled to dismissal before the commencement of discovery.” *Mitchell*, 472 U.S. at 526 (citing *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)). Because Defendants claim they are filing a motion for summary judgment based on qualified immunity, staying discovery is appropriate. Defendants’ motion to stay discovery is granted. Defendants must file their motion for summary judgment based on qualified immunity on or before **April 9, 2021**.

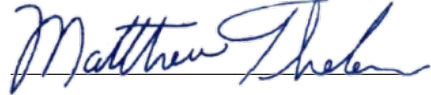
Accordingly, it is ORDERED:

1. That Defendants' motion to stay, Doc. 15, is granted.
2. That Defendants must file their motion for summary judgment based on qualified immunity and supporting documents on or before **April 9, 2021**.

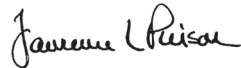
Dated this 11th day of March, 2021.

ATTEST:

MATTHEW W. THELEN, CLERK

Handwritten signature of Matthew W. Thelen in blue ink.

BY THE COURT:

Handwritten signature of Lawrence L. Piersol in blue ink.

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Lawrence L. Piersol  
United States District Judge